

110TH CONGRESS  
1ST SESSION

# S. 234

To require the FCC to issue a final order regarding television white spaces.

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IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2007

Mr. KERRY introduced the following bill; which was read twice and referred  
to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the FCC to issue a final order regarding television  
white spaces.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Wireless Innovation  
5       Act of 2007”.

6       **SEC. 2. WHITE SPACES.**

7       (a) ADOPTION OF FINAL ORDER.—Not later than the  
8       earlier of 180 days after the date of enactment of this  
9       Act or October 1, 2007, the Federal Communications  
10      Commission (in this Act referred to as the “Commission”)  
11      shall complete its proceeding and issue a final order in

1 the Matter of Unlicensed Operation in the TV Broadcast  
2 Bands, ET Docket No. 04-186, which facilitates the effi-  
3 cient operation of unlicensed devices in television white  
4 spaces.

5 (b) CONDITIONS.—In completing the requirement de-  
6 scribed in subsection (a), the Commission in such final  
7 order—

8 (1) shall permit unlicensed, non-exclusive use of  
9 eligible frequencies between 54 MHz and 698  
10 MHz—

11 (A) at the earliest technically feasible date,  
12 but not later than February 18, 2009; and

13 (B) in compliance with the conditions de-  
14 scribed in paragraphs (2) through (6);

15 (2) shall establish technical requirements for  
16 unlicensed devices operating in such eligible fre-  
17 quencies to protect incumbent primary licensees of  
18 such frequencies from harmful interference from  
19 such devices;

20 (3) shall require unlicensed devices operating in  
21 such eligible frequencies to comply with existing  
22 Commission certification processes for new devices,  
23 including the initial acceptance of applications for  
24 certification of unlicensed devices not later than De-  
25 cember 1, 2007, with a maximum of 180 days for

1 the Commission to review and dispense of each prop-  
 2 erly submitted and completed application;

3 (4) shall conduct and complete field testing in  
 4 a limited number of markets (such markets to be  
 5 chosen at the discretion of the Commission)—

6 (A) prior to the initiation of the certifi-  
 7 cation process; and

8 (B) for the purpose of evaluating the po-  
 9 tential for actual harmful interference to incum-  
 10 bent primary licensees of such frequencies;

11 (5) may provide a reasonable public comment  
 12 period to solicit views on the published results of the  
 13 field tests conducted under paragraph (4), but only  
 14 if such comment period can be concluded in a time-  
 15 frame that will not delay completion of the pro-  
 16 ceeding described subsection (a); and

17 (6) shall permit the operation of both fixed and  
 18 personal/portable unlicensed devices at the earliest  
 19 technically feasible date, but not later than February  
 20 18, 2009.

21 (c) DEFINITION OF UNLICENSED DEVICE.—In this  
 22 Act, the term “unlicensed device” means both fixed/access  
 23 and personal/portable devices, as such terms are defined  
 24 in paragraph 19 of the Federal Communications Commis-  
 25 sion’s Notice of Proposed Rulemaking in the Matter of

- 1 Unlicensed Operation in the TV Broadcast Bands, ET
- 2 Docket No. 04–186, adopted May 13, 2004.

